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REMARKS

Claims 1-4, 7-15, 17-24 and 27-31 are pending. Claims 1, 7-9, 12, 17, 18, 21 and 27-29 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,092,854 to Campbell ("Campbell"). Claims 10, 11, 19, 20, 30 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Campbell. Claims 2, 3, 13, 14, 22 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Campbell in view of U.S. Patent No. 5,120,106 to Sakurai et al. ("Sakurai"). Claims 4, 15 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Campbell in view of Sakurai and U.S. Patent No. 5,082,078 to Umeda et al. ("Umeda"). Applicants respectfully traverse the rejections under §102 and §103 for at least the reasons set forth below.

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§102 and §103 Rejections Are Overcome

A claim is anticipated under 35 U.S.C. §102 if each claimed element is found in a single prior art reference. *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991); *Carella v. Starlight Archery and Pro Line Co.*, 804 F.2d 135, 138 (Fed. Cir. 1986). There must be no difference between the claimed invention and the reference disclosure, as viewed by an ordinary artisan. *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d at 1576.

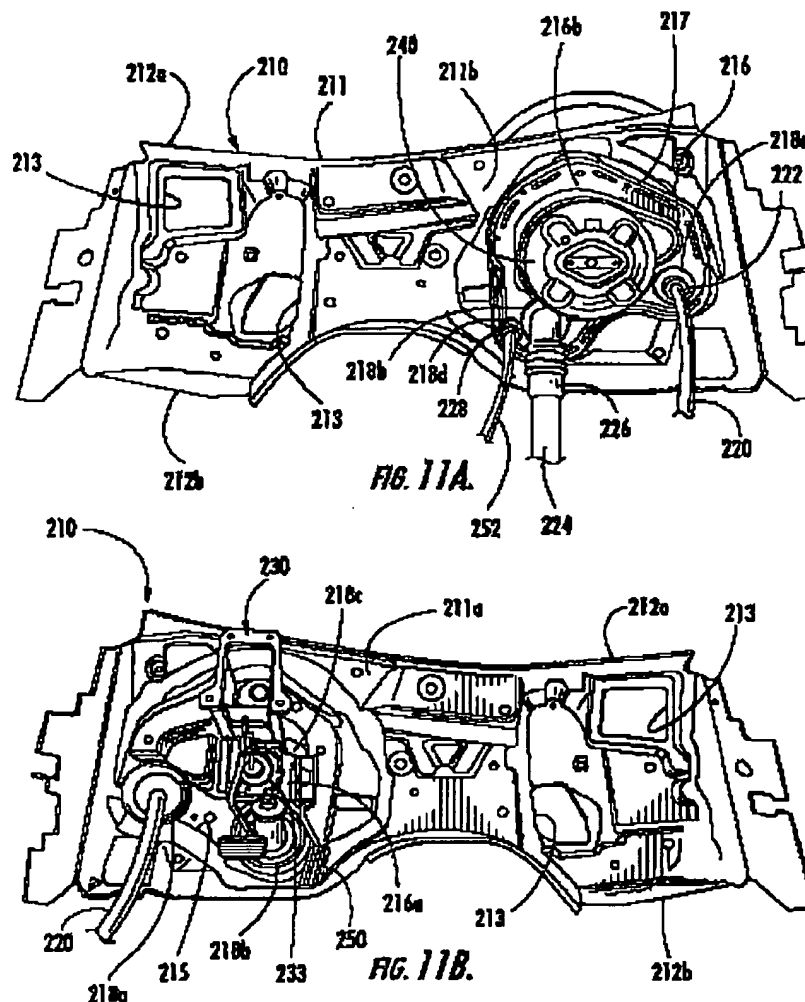
Applicants' independent Claim 1 recites a dash insulator that is configured to be attached to a vehicle firewall in face-to-face contacting relationship therewith, wherein the firewall includes an opening formed therethrough, the dash insulator comprising:

- a substrate having opposite first and second surfaces and opposite first and second edge portions;
- an opening formed through a portion of the substrate;
- a pass-through assembly comprising opposite first and second sides and a peripheral edge portion, ...; and
- an instrument panel directly and movably attached to the substrate, wherein the instrument panel is movably attached to the substrate*** such that movement of the instrument panel relative to the dash insulator facilitates installation of the dash insulator and instrument panel within a vehicle.

Independent Claims 12 and 21 contain similar recitations. Applicants respectfully submit that, as viewed by the ordinary artisan, there is a great difference between Applicants' dash insulator as claimed in amended independent Claim 1 and the dash mat of Campbell. Campbell does not disclose all of the recited elements of independent Claim 1, and the Final Action has failed to provide any evidence whatsoever that Campbell does disclose all of the recited elements.

Figs. 11A-11B from Applicants' application are set forth below and illustrate Applicants' dash insulator 210 that is configured to be attached to a vehicle firewall in face-to-face contacting relationship therewith.

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The illustrated dash insulator 210 includes a substrate 211 having a non-planar three dimensional molded configuration adapted to fit the firewall of a vehicle. The substrate 211 includes opposite first and second surfaces 211a, 211b and opposite first and second edge portions 212a, 212b. A plurality of apertures 213 are formed through the substrate 211, each of which is configured to overlie a respective opening in a vehicle firewall when the dash insulator 210 is attached thereto. Each aperture 213 may be configured to sealably receive an item extending therethrough between the engine and passenger compartments as described above.

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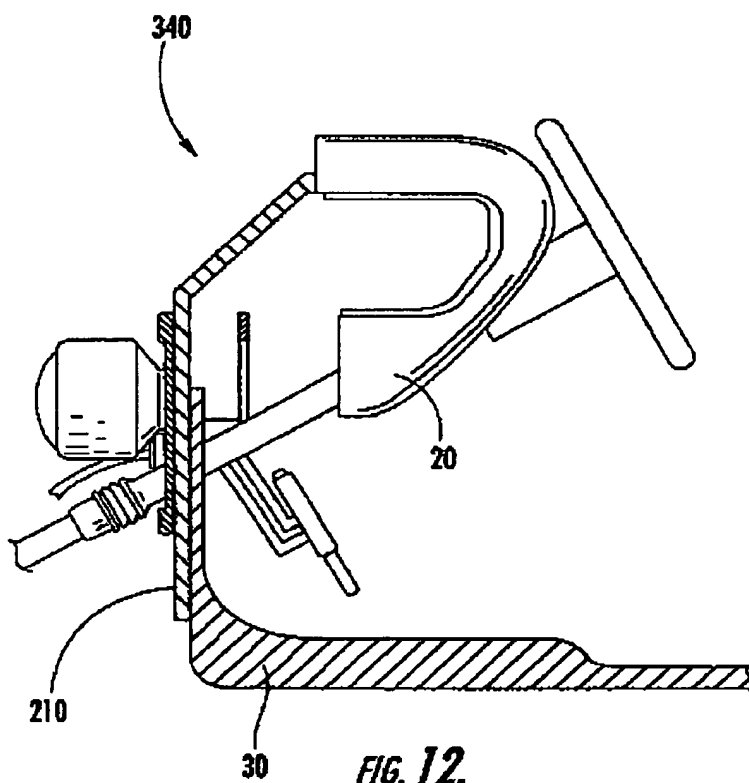
The illustrated substrate 211 also includes an opening 215 formed through a portion thereof. A pass-through assembly (also referred to as a "mod plate") 216 is attached to the dash insulator second surface 211b such that it overlies the opening 215. The illustrated pass-through assembly 216 includes opposite first and second sides 216a, 216b and a peripheral edge portion 217. The pass-through assembly first side 216a is attached to the substrate second surface 211b in face-to-face contacting relationship such that the substrate opening 215 is covered by the pass-through assembly first side 216a. The pass-through assembly 216 is configured to be sealed against the firewall when the dash insulator is installed such that the firewall opening is covered by the pass-through assembly second side. The peripheral edge portion 217 of the illustrated pass-through assembly 216 has a raised portion 217a that compresses to thereby serve as a seal when the pass-through assembly first side 216a is in face-to-face contacting relationship with the substrate second surface 211b.

The illustrated pass-through assembly 216 includes multiple apertures 218a-218d formed therein. Each aperture 218a-218d is configured to receive an item extending therethrough. In the illustrated embodiment, an electrical cable harness 220 extends through aperture 218a and is sealably secured in the aperture 218a via a seal 222 that prevents gaps between the electrical cable harness 220 and the substrate 211. A steering wheel column 224 extends through aperture 218b and is sealably secured in the aperture 218b via a seal 226 that prevents gaps between the steering wheel column 224 and the substrate 211.

In the illustrated embodiment, a vehicle brake pedal assembly 230 secured to the pass-through assembly first side 216a via the substrate opening 215. A vehicle brake master cylinder assembly 240 is secured to the pass-through assembly second side 216b and is operably connected to the brake master cylinder assembly 230 via an aperture 233 in the pass-through assembly 216. In the illustrated embodiment, a vehicle accelerator pedal assembly 250 is secured to the pass-through assembly first side 216a via the substrate opening 215. An accelerator linkage (e.g., a cable) 252 and is operably associated with the accelerator pedal assembly 250 and extends through aperture 218d in the pass-through assembly 216. The cable 252 is sealably secured in the aperture 218d via a seal 228 that prevents gaps between the cable 252 and the substrate 211.

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Fig. 12 from Applicants' application is set forth below and illustrates a vehicle cockpit assembly 340 incorporating the dash insulator of Figs. 11A-11B.



The vehicle cockpit assembly 340 includes an instrument panel 20 directly and movably attached to an upper edge portion of the dash insulator 210, and a floor covering (*e.g.*, molded carpet assembly, etc.) 30 directly and movably attached to a lower edge portion of the dash insulator 210.

The Campbell dash mat assembly 40 is illustrated below.

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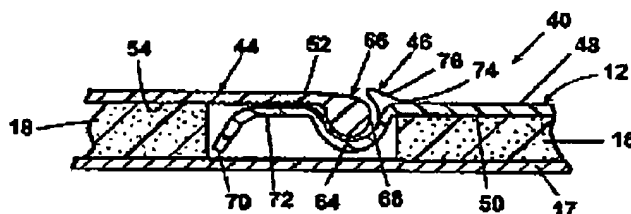


Fig. 5

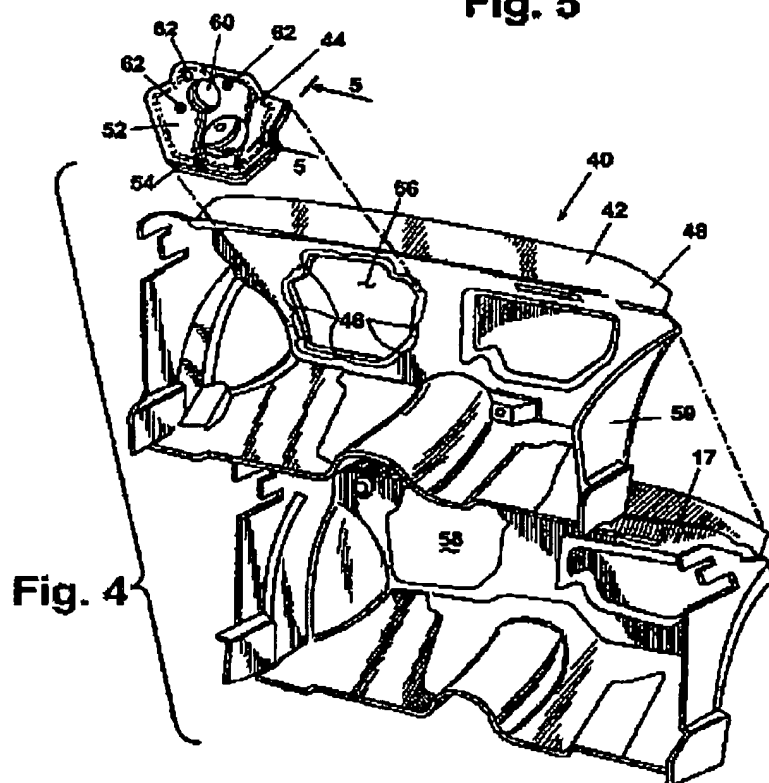


Fig. 4

The Campbell dash mat assembly 40 includes a dash mat 42 and a modular plate barrier 44 connected together with a fastener 46. When the dash mat 42 overlays the firewall 17, a dash mat opening 56 substantially corresponds with a firewall opening 58. Both openings 56 and 58 form a passageway large enough for the subsequent installation of a steering column assembly (not shown). The steering column assembly is provided with the modular plate barrier 44 in a manner such that the steering column (not shown) passes through the steering

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column aperture 60 in the modular plate barrier 44 which also includes a plurality of mounting apertures 62. The modular plate barrier 44 is shaped to correspond to the openings 56 and 58 and is sized to overlap the dash mat 42. Upon installation of the steering column assembly, the modular plate barrier 44 is positioned correspondingly atop the dash mat 42 and fastened thereto with the integral fastener 46.

Campbell fails to teach or suggest an instrument panel *directly and movably* attached to a dash insulator. In fact, the Final Action concedes that fails to teach an instrument panel attached to a dash insulator. (Final Action, Page 2). However, without providing any supporting passage(s) or illustrations from Campbell, the Final Action summarily concludes:

While not shown, an instrument panel is attached to the dash insulator substrate (4). A carpet floor covering is attached to the substrate (4). Sound attenuating material (18) is applied to areas of the substrate. Since the substrate (4) is an elastomeric material, it is capable of flexing such that it can move relative to both an instrument panel and a floor covering. (Final Action, Page 2).

The Final Action fails to cite any part of the text of Campbell to support this allegation. In fact, Campbell has only three passages that use the term "instrument panel" and each of these are set forth below:

A wiring harness is typically arranged along a portion of the dash mat and extends from a fuse box to various components, such as radios, switches, lights, gauges, etc., within the passenger compartment. An outer surface of the dash mat is typically in contact with a bottom surface of the vehicle carpet and extends beyond the carpet to an upper portion of the firewall behind the instrument panel. (Campbell, Col. 1, Lines 25-32).

Typically, a modular plate barrier, which is provided with a smaller steering column and mounting apertures, is used to cover the larger dash mat opening. After installation of the steering column and instrument panel, it is desirable to securely seal the modular plate barrier to the rest of the dash mat. (Campbell, Col. 2, Lines 1-6).

Referring now to FIGS. 1-3 mat assembly 10 includes an outer sound barrier mat or planer sheet 12 having a first outer surface 14 and a second inner surface 16. The sound planar sheet 12 is preferably formed of a relatively stiff elastomeric material, that is approximately 2 mm in thickness. The outer surface 14 of the planer sheet 12 faces the underside of a vehicle carpet (not shown) and typically extends past the carpet behind the instrument panel while the inner surface 16 faces the vehicle firewall 17. A foam layer 18 can be attached to the inner surface 16 and abut the

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firewall 17 when the dash mat assembly 10 is installed for further insulating the passenger compartment from the engine compartment. (Campbell, Col. 2, Line 65 - Col. 3, Line 10).

None of these passages teaches or suggests directly attaching an instrument panel to a dash insulator. Moreover, Campbell fails to teach or suggest an instrument panel and dash insulator that are directly attached and that can move relative to each other to facilitate installation within a vehicle passenger compartment during vehicle assembly.

In response to Applicants' response filed on December 28, 2004, the Final Action also states:

The substrate is indirectly connected to the instrument panel by the pass-through assembly, which is connected to the steering column (column 4, lines 1-4). The connection between the steering column and the instrument panel is an inherent feature since this is standard practice in the industry. (Final Action, Page 5).

Thus, the Final Action's position is that, while Campbell does not teach an instrument panel connected to a dash insulator, an instrument panel would be indirectly connected to the Campbell dash insulator via the steering column, etc.

To clear up what appears to be a misunderstanding of Applicants' invention, Applicants have amended each of the independent claims to recite that the instrument panel is *directly and movably* attached to a dash insulator. Campbell fails to teach or suggest an instrument panel that is *directly and movably* connected to a dash insulator and the Final Action specifically concedes this fact. Thus, as viewed by the ordinary artisan, there is a great difference between Applicants' dash insulator as claimed in amended independent Claim 1 and the dash mat of Campbell. Because Campbell does not disclose all of the recited elements of amended independent Claim 1, Claim 1 and all claims depending therefrom are not anticipated by Campbell. For at least the same reasons, amended independent Claims 12 and 21 and all claims depending therefrom are not anticipated by Campbell. As such, the rejections under 35 U.S.C. §102 are overcome.

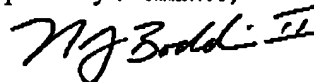
The secondary references fail to provide the missing teachings of Campbell. None of the secondary references teaches or suggests an instrument panel *directly and movably* attached to a dash insulator. Moreover, none of the secondary references teaches or suggests an instrument panel and dash insulator that can move relative to each other to

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facilitate installation within a vehicle passenger compartment during vehicle assembly. Because the primary and secondary references, alone or in combination, fail to teach or suggest *all* the recitations of Claim 1, Applicants respectfully request withdrawal of the present rejections of amended independent Claim 1, and claims dependent therefrom, under 35 U.S.C. §103. For at least the same reasons, Applicants respectfully request withdrawal of the present rejections of amended independent Claims 12 and 21, and claims dependent therefrom, under 35 U.S.C. §103.

In view of the above, it is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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Erin A. Campion